

REMARKS

The Official Action mailed January 27, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on June 15, 2006; July 6, 2006; September 18, 2006; and December 12, 2008.

Claims 1-13 were pending in the present application prior to the above amendment. Claims 1 and 13 have been amended to better recite the features of the present invention; the features of dependent claims 2 and 4 have been incorporated into independent claim 1; the dependencies of claims 3, 6, 8, 10 and 11 have been adjusted as appropriate; and claim 12 has been canceled without prejudice or disclaimer. Accordingly, claims 1, 3, 5-11 and 13 are now pending in the present application, of which claims 1 and 13 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1 and 13 as obvious based on U.S. Patent No. 6,356,812 to Cragun. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 1 has been amended to include the features previously recited in dependent claims 2 and 4, i.e. "wherein as the operating screen, said control unit displays an operating screen at the time of stopping on which a predetermined number of operating figures of predetermined sizes are arranged when the vehicle is not traveling and displays an operating screen at the time of traveling on which larger and fewer operating figures than the operating figures of the operating dcreen at the time of stopping are arranged when the vehicle is traveling" (based on claim 2) and "the operating figures arranged on the operating screen at the time of traveling being some of the operating figures arranged on the operating screen at the time of stopping that are selected in consideration of a frequency of use of or need for each of the operating figures" (based on claim 4), and has been further amended to recite "wherein said control unit displays, as the operating screen at the time of traveling, an operating screen in which an operating figure to be arranged is set according to a history of operation of each of the operating figures." Independent claim 13 has been amended to recite similar features and in a manner appropriate for a method claim. The Applicant respectfully submits that Cragun does not teach or suggest the above-referenced features of the present invention.

Since Cragun does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Official Action appears to be incomplete. Although the Official Action asserts that Cragun teaches the features of claims 2-12 in the paragraph bridging pages 3 and 4, the Official Action only appears to explicitly address the features of claim 2. Rather than presenting an element-by-element analysis of the features of the present claims, the Official Action makes a broad assertion at page 4, lines 1-6; however, the assertion fails to address the features of claims 3-12 in sufficient detail to demonstrate a *prima facie* case of obviousness. As such, the Applicant respectfully requests issuance of a Notice of Allowability or new non-final Official Action, as appropriate. For at least the reasons set forth above, the Applicant respectfully submits that claims 1, 3, 5-11 and 13 are in condition for allowance.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789